

3  
Michael D. McGranahan  
Trustee in Bankruptcy  
PO Box 5018  
Modesto, CA 95352  
(209) 524-1782

**THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA  
MODESTO DIVISION**

In re:  
BROWN, TINA

Debtor(s).

Case No.: 10-94467  
DC NO.: MDM-3  
Chapter 7  
Date: October 31, 2013  
Time: 10:30 a.m.  
Place: 1200 "I" Street, Ste. 4  
Modesto, CA 95354  
Judge: Hon: Ronald H. Sargis

**MOTION TO ABANDON REAL and PERSONAL PROPERTY**

**TO: THE HONORABLE U.S. BANKRUPTCY JUDGE:**

**MICHAEL D. McGRANAHAN**, the duly qualified and acting Trustee in this case, pursuant to 11 U.S.C. § 554 (a) and Bankruptcy Rule 6007, respectfully represents:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1134 and § 157 (a). On November 12, 2010 the debtor filed a petition under Chapter 7 and MICHAEL D. McGRANAHAN was appointed as Trustee. On December 14, 2010 the First Meeting of Creditors was held and concluded as an Asset Case.

2. Among the assets which constitute property of the estate is the community property in the possession of non-debtor spouse, Tim Brown, commonly described as:

- 1           **A. Lot in El Dorado Ranch, Mexico, Deed No. 6400-013-23 ("Property A")**  
 2           **B. Stock in Affordable Moving & Storage, Inc. ("Property B")**  
 3           **C. 2008 Harley Davidson Cross Bones motorcycle ("Property C")**

4  
 5  
 6       3. The aforementioned properties have the following values and encumbrances:

<u>PROPERTY</u>	<u>VALUE</u>	<u>DEBT</u>
Property A	\$8,000	None
Property B	Unkn	Unkn
Property C	\$ 5,000	\$ 12,000

- 11  
 12       4. Property A is a 10,000 sq. ft. lot near San Filipe, Mexico, with no electricity, water,  
 13       or other improvements. Based on the trustee's internet investigations, and telephone  
 14       calls to El Dorado Ranch, the estimated value is less than \$8,000; the lot appears to  
 15       be unencumbered. However, the legal (including hiring a Mexican attorney) and  
 16       logistical expenses involved in liquidating the property would, in the trustee's  
 17       opinion, consume all equity in the lot.  
 18       5. Property B is a non-publically traded moving and storage company whose stock  
 19       shares are owned solely by the non-debtor spouse, Tim Brown. The estate may hold  
 20       a community property interest in the stock. The value of the company, if any, can  
 21       only be determined by an examination of the books and records, including an  
 22       audited financial statement. The trustee has contacted the company accountant but  
 23       has not been able to obtain any financial information. If the financial statement were  
 24       to show stockholder equity, a buyer would then need be found, keeping in mind that  
 25       a buyer would be assuming both the assets and liabilities of the company. Given the  
 26       intransigence and lack of cooperation of the stockholder, and taking into  
 27       consideration the legal costs of obtaining the financial records, obtaining a judgment  
 28

1 allowing a sale (assuming there is any value), then finding a buyer for a closely-held  
2 company, it is the trustee's opinion that the stock has no value to the estate and  
3 should be abandoned.

- 4 6. The 2006 Harley Davidson Cross Bones motorcycle has been, according to the non-  
5 debtor spouse, damaged in an accident and was un-insured. However, even if the  
6 motorcycle was undamaged, the trustee's analysis is that the motorcycle has, or  
7 had, no equity and should be abandoned.

8  
9 **WHEREFORE**, the Trustee requests the Court to examine the facts and circumstances  
10 in connection with this matter, and authorize the Trustee to abandon the above-described real  
11 and personal property back to the debtor on the grounds it is burdensome and of  
12 inconsequential value to the estate, and for such other and further relief as the Court may  
13 deem just and proper.

14  
15 DATED: October 1, 2013

16  
17 /s/ Michael D. McGranahan  
18 MICHAEL D. McGRANAHAN  
19 Trustee  
20  
21  
22  
23  
24  
25  
26  
27  
28